IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2717 OF 2005

Darshan Residents Welfare Association .. Petitioners

V/s

The State of Maharashtra & Ors. .. Respondents

Mr.Shaikh with Mr.Javed Hussain for the Petitioners.

Ms.Aruna Savla for Respondents No.2, 3 and 4.

Mr.Surana for Respondent No.6.

CORAM : H.L. GOKHALE & ABHAY S. OKA, JJ.

DATE : 27TH FEBRUARY 2006

P.C. :

1. Heard the counsel for the parties.

2. The petition is filed by an Association which claims to represent some 41 tenants in a municipal chawl known as Lal Vitachi Chawl at Katrak Road, Wadala. A grievance is sought to be made in the petition that the particular area occupied by them ought to have been developed as a separate scheme under D.C. Regulation 33(7). What is material to note is that the chawl occupied by the Petitioners is being developed along with the adjoining property which has slums. As such, the tenements occupied by the Petitioners also could be classified as slums and there is nothing more glorified

about those tenements. It is not stated in the petition that any of those occupants was having any area in excess of 225 sq.ft. which is the area which will be available to all these occupants. On a query from the court, Mr.Shaikh states that the area under their occupation was above 160 sq.ft. It has been clearly recorded in a letter by the Executive Engineer that these occupants are being accommodated by the developer and an alternative accommodation is being offered to them. For any of these grievances made by the Petitioners, they ought to have moved long back. Now the building is also ready. The Petitioners do not appear to have moved with a bonafide intention. Petition is dismissed.

(H.L. GOKHALE, J.)

(ABHAY S. OKA, J.)